

Appl. No. : 10/590,793  
371(c) date : June 12, 2007

### REMARKS

New Claims 35 and 36 have been added. Claim 1 has been amended. Support for the new claims and amendments can be found at least in Figure 3. No new subject matter has been added. Applicant requests that the rejections be reconsidered in light of the amendments and the following comments. Claims 1, and 16-34 are pending.

#### Discussion of the Objections to the Drawings

The drawings found on the attached replacement sheets have been amended to conform to 37 CFR 1.121(d). No new subject matter has been added. Applicant respectfully requests withdrawal of the objections.

#### Discussion of Claims Rejected Under 35 U.S.C. § 112 ¶2

Claim 1 is rejected as lacking antecedent basis for the term "front end." Claim 1 has been amended to address the antecedent basis. Accordingly, Applicant respectfully submits withdrawal of the rejection.

#### Discussion of Claims Rejected Under 35 U.S.C. § 102(b)

Claims 1, 16, 19, 21, 24-27, and 29-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Caisley (WO 2002/39810). Caisley discusses a system for tagging a biological object and taking a sample of the biological object. See Abstract.

Applicant respectfully submits that Caisley does not disclose the combination of elements recited in Claim 1, as amended. For example, Caisley does not disclose a device configured to mark and concurrently collect a sample from an individual, the device comprising a chamber including a chamber-part and a ring-part, wherein the chamber-part is fixed to the ring-part through an opening in a tag part, and wherein the chamber-part is configured to hold a container for collecting a sample. Instead, Caisley teaches a container (1) removably attached to a collar member (15). See Figure 4. Caisley does not, however, teach or suggest a chamber part fixed to a ring-part via a through opening in a tag part. Accordingly, at least for these reasons, Applicant respectfully submits that Claim 1 overcomes the art and is, therefore, in condition for allowance.

**Appl. No.** : **10/590,793**  
**371(c) date** : **June 12, 2007**

Applicant respectfully submits that Caisley does not disclose the combination of elements recited in Claim 29. For example, Caisley does not disclose A method of marking and concurrently taking a sample of an individual, the method comprising “applying a tag to the individual by connecting a spike to a chamber ..., a container being releasably attached to the chamber, wherein ... the spike enters the chamber such that the spike cannot be removed from the chamber, and the closed container ... is released from the chamber.” Instead, Caisley teaches connecting a plug (120) to a container (110), where the plug (120) remains in the container (110). Accordingly, at least for these reasons, Applicant respectfully submits that Claim 29 overcomes the art and is, therefore, in condition for allowance.

In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

#### Discussion of Claims Rejected Under 35 U.S.C. § 103(a)

Claims 17, 18, 20, 22, 23, 28, 32, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Caisley in view of Tarver (U.S. Patent No. 3,399,478), Pfistershammer (WO 2004/010773), or Haar et al. (U.S. Patent No. 6,708,432).

Applicant respectfully submits that the cited art does not individually or collectively disclose those features of independent Claims 1 and 29 discussed above with respect to Caisley alone. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to these dependent claims, and respectfully submits that these dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

#### Conclusion

Applicant has endeavored to address all of the Examiner’s concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Appl. No. : 10/590,793  
371(c) date : June 12, 2007


Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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